

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

FRANCISCO JAVIER)	
BENAVENTE-FALCON,)	
)	
Petitioner,)	
)	Case No. CIV-18-1237-F
-vs-)	
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER


Magistrate Judge Gary M. Purcell filed a Report and Recommendation (doc. no. 8) on January 11, 2019, recommending that petitioner's action seeking relief under 28 U.S.C. § 2241 be dismissed without prejudice.

The Report advised petitioner that any objection to the Report must be filed by January 31, 2019, or by such date as is in conformity with Temporary General Order 18-2 entered on December 26, 2018, whichever is later. The Temporary General order provides that in civil cases in which the United States is a party, all deadlines are extended for a period of time commensurate with the duration of the lapse in federal appropriations. Temp. Gen. Order 18-2, ¶ 5. The duration of the lapse in federal appropriations was thirty-five days. Accordingly, adding a thirty-five day period to the date on which any objection to the Report would have otherwise been due (January 31, 2019 plus thirty-five days) yields March 7, 2019, as the date on which any objection to the Report was due. The Report also advised that failure to make timely objection waives the right to appellate review of the factual and legal issues addressed in the Report. No objection to the Report has been

filed, and no request has been made for an extension of time within which to object or otherwise respond to the Report.

Having reviewed the Report, and with there being no objection to the Report, the court concurs in the recommended rulings as stated in the Report. The Report is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report, this action is dismissed without prejudice.

IT IS SO ORDERED this 21st day of March, 2019.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE